

Message Text

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52

ACTION EA-14

INFO OCT-01 ADP-00 COME-00 EB-11 SCA-01 CIAE-00 INR-10

NSAE-00 RSC-01 LAB-06 SIL-01 VO-03 DODE-00 PA-03

USIA-12 PRS-01 L-03 RSR-01 /068 W

----- 003405

R 081050 Z MAY 73

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 2994

LIMITED OFFICIAL USE BANGKOK 7223

E. O. 11652: N/ A

TAGS: ELAB, TH

SUBJ: ALIEN OCCUPATION DECREE

REF: STATE 53691

1. EMBASSY REGRETS DELAY IN REPLYING TO REFTEL BUT SO MANY QUESTIONS REMAIN UNANSWERED REGARDING ALIEN OCCUPATION DECREE (AOD) THAT NO ADEQUATE RESPONSE WAS POSSIBLE AND EVEN NOW THIS RESPONSE MUST BE CONSIDERED PRELIMINARY IN NATURE.

2. PRESUMING THAT NO BLANKET EXCEPTION FOR US CITIZENS WILL BE FORTHCOMING FROM PRESENT RTG CONSIDERATION OF APPLICATION OF AER TREATY TO AOD, EMBASSY ESTIMATES THERE ARE AS MANY AS 2,500 AMERICANS AFFECTED BY AOD, I. E. REQUIRED TO OBTAIN WORK PERMITS. THIS FIGURE INCLUDES 58 EMPLOYED IN RTG BOARD OF INVESTMENT- PROMOTED INDUSTRIES AND SEVERAL HUNDRED WIVES WORKING IN NON-OFFICIAL CAPACITIES.

3. IT IS NOT YET CLEAR WHAT OCCUPATIONS OF AMERICANS, IF ANY, ARE " HARD HIT" BY AOD.

4. LOCAL US LAW FIRMS THEMSELVES ARE ADOPTING TACTIC
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OF FILING AS BROAD A POSITION DESCRIPTION AS POSSIBLE FOR THEIR AMERICAN EMPLOYEES WITH APPLICATIONS FOR WORK PERMITS. CLEAR AIM IS TO QUALIFY EMPLOYEES FOR WORK PERMITS UNDER SEVERAL OCCUPATION CATEGORIES. PRESUMABLY, US LAW FIRMS ARE ADVISING THEIR LOCAL AMERICAN CLIENTS TO DO SAME.

5. AMCHAM PRESIDENT PROFESSES TO BE MORE CONCERNED ABOUT AOD THAN ALIEN BUSINESS DECREE, ON BASIS CONTINUAL RE-NEWALS OF SHORT- TERM (60-90 DAY) WORK PERMITS IN ADDITION TO PRESENT REQUIREMENT TO RENEW SHORT- TERM VISAS WILL PROVE TO BE SO BURDENSOME THAT SOME BUSINESSMEN WILL BE FORCED TO LEAVE THAILAND. NEVERTHELESS, AMCHAM THUS FAR HAS CONTENTED ITSELF WITH TRYING TO SET UP MEETINGS WITH SENIOR LABOR DEPARTMENT OFFICIALS ON AOD. MOST RECENTLY AMCHAM CANVASED MEMBERS AND SUBMITTED WRITTEN LISOXOF MEMBERS' QUESTIONS ON AOD TO LABOR DEPT. LATTER PROMISED TO RESPOND IN WRITING, BUT REPLY NOT YET RECEIVED. WE ARE PURSUING THIS WITH LABOR DEPARTMENT.

6. NATIONS OTHER THAN JAPAN WHICH MIGHT CLAIM MFN TREATMENT BASED ON PREVIOUS BILATERAL AGREEMENTS ARE UNITED KINGDOM, GERMANY, SWEDEN, NORWAY AND DENMARK. AGREEMENTS, HOWEVER, WERE RE- EXTENDED IN FEBRUARY FOR ONE YEAR ONLY, AFTER WHICH MFA SAYS THEY WILL BE ALLOWED TO LAPSE. RTG EXPECTS REVISED AGREEMENTS WITH THESE COUNTRIES WILL BE NEGOTIATED BY THAT TIME.

7. UNTIL FURTHER CLARIFICATION IS RECEIVED FROM RTG ON APPLICABILITY OF AER TREATY AND OTHER ASPECTS OF AOD, EMBASSY NOT IN POSITION TO COMMENT GENERALLY ON COMBINED EFFECT OF AOD AND ALIEN BUSINESS DECREE ON OCCUPATIONAL FIRMS. HOWEVER, AS LONG AS AER TREATY IN EFFECT IT WILL STILL BE POSSIBLE FOR US CITIZENS TO OWN AND MANAGE PROFESSIONAL FIRM USING PROFESSIONAL STAFF INCLUDING BOTH THAIS AND ALIENS WITH RESIDENT STATUS AND LIFETIME WORK PERMITS.
UNGER

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